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Held at Headquarters, New York, on Tuesday, 12 November 2002, at 10 a.m.

Chairman: Mr. Wenaweser ..... (Liechtenstein)

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The meeting was called to order at 10.10 a.m.

Agenda item 109: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/57/134, A/57/138, A/57/140, A/57/182, A/57/205 and Add.1, A/57/274, A/57/275, A/57/277, A/57/283, A/57/311 and Add.1, A/57/323, A/57/356, A/57/357, A/57/369, A/57/371, A/57/384, A/57/385, A/57/394, A/57/446, A/57/458-S/2002/1125, A/57/484, A/C.3/57/7)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/57/230, A/57/284, A/57/290 and Corr.1, A/57/292, A/57/309, A/57/325, A/57/326, A/57/345, A/57/349, A/57/366 and Add.1, A/57/433, A/57/437, A/C.3/57/5)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/57/36, A/57/446)

1. **Mr. Laurin** (Canada) said that his country was committed to fulfilling its human rights obligations; it was the responsibility of each and every Member State to promote respect for human rights and fundamental freedoms in all regions of the world. He called on all States to engage in constructive dialogue with the special mechanisms of the Commission on Human Rights, and reviewed developments in countries which had drawn the attention of his Government in the area of human rights.

2. With regard to Timor-Leste, he commended the efforts of the United Nations Transitional Administration to guide its transition to independence, in particular its contributions towards the establishment of justice and the rule of law. In Indonesia, the constitutional amendments allowing for direct presidential elections in 2004 were welcome, but the Government's apparent lack of resolve to apply the rule of law was a matter of concern, and judicial reform must continue. He welcomed the difficult economic reforms implemented in China to improve standards of living, although his Government was concerned at the restrictions imposed on freedom of expression, association and religion, especially in Tibet and Xinjiang province, as well as the application of the death penalty even for non-violent crimes. He strongly encouraged the Cambodian Government, which had embarked on a series of challenging reforms, to continue to cooperate with the United Nations to establish a tribunal that would be endorsed by the international community to address war crimes committed during the Khmer Rouge period. In Viet Nam, the conditions which had led to the departure of the Montagnards did not appear to have improved, and his delegation hoped that the Government would take advantage of the recent National Assembly elections to ensure full respect for freedom of political and religious expression and greater socio-economic development for ethnic minority groups. Canada remained concerned about the continuing lack of political freedom, forced labour and forced relocations and abuse of ethnic minorities, women and children in Burma, and urged the State Council for Peace and Development to act on the recommendations of the Special Rapporteur on the situation of human rights in Myanmar. Although Daw Aung San Suu Kyi had been released from house arrest and some offices of the National League for Democracy had been re-opened, it regretted the slow pace of the democratization process. Canada also remained concerned about the human rights record of the Democratic People's Republic of Korea, despite the resumption of the dialogue with Japan and the Republic of Korea. His delegation was concerned at sporadic human rights violations in Sri Lanka. All parties to the conflict must join in partnership to build a lasting political environment for the protection and promotion of human rights. Although it welcomed recent reforms in Pakistan to combat corruption, maintain order and improve women's social rights, education and health, Canada remained concerned by violations of the rights of religious minorities and women. In Afghanistan, it was encouraging to note that the Transitional Administration was building a stable foundation for governance that represented all the Afghan people.

3. Turning to the situation of certain countries of Africa, he expressed deep concern at reports from Nigeria of the sentences of death by stoning for adultery, which were inconsistent with Nigeria's obligations enshrined in the international human rights instruments it had ratified. His delegation was pleased at the continuing peace negotiations in Sudan, and urged both parties to ensure that commitments to

respect human rights remained central to the final agreement. The holding of free elections and the establishment of the Truth and Reconciliation Commission in Sierra Leone were encouraging, but ongoing regional tensions and their impact on the human rights situation and the humanitarian crisis affecting the Mano River region remained of concern. Canada remained convinced that only a political solution could resolve the crisis in Côte d'Ivoire which had created many refugees and internally displaced persons. In the Great Lakes region, security concerns must not take precedence over human rights obligations. Welcoming the fact that the Government of Rwanda had turned to *gacaca* courts to facilitate reconciliation and combat impunity, he urged it to stop restricting the activities of the press and the opposition in order to create an environment conducive to democratic presidential elections in 2003. His delegation regretted the abuses committed by all parties to the conflict against the civilian population of Burundi, and called on the belligerents to seek a lasting peace. Canada was deeply concerned by the rapid deterioration of the human rights situation in northern Uganda, and while the military action against the Lord's Resistance Army might be justified, it placed abductees and internally displaced persons, particularly children, at risk. In Eritrea, the restrictions on freedom of the press, allegations of torture in the prisons and prisoners held incommunicado without formal charge were of concern to his delegation. Abuses against the population of southern Ethiopia committed by the armed forces were also alarming. Concerning Zimbabwe, Canada denounced the violation of democratic norms in the treatment of members of the opposition, harassment and manipulation of the judiciary and the intimidation of civil society by the Government. It regretted that the democratization process in Togo continued to be hampered by the prevailing climate of impunity, as well as by the infringement of freedom of the press.

4. In the Balkans, the elections held during the autumn in the former Yugoslav Republic of Macedonia had demonstrated that while most people wished to continue to strengthen democratic reforms, extreme nationalism still had support. It was therefore necessary to help the country consolidate the progress achieved and facilitate its integration with the Euro-Atlantic community. The international community must also encourage the return of Serb and other minorities to their homes in Kosovo.

5. Canada was deeply concerned by the continuing violence in the Middle East and by the indiscriminate attacks against the civilian population which violated both humanitarian and international law. It urged Israel and all Palestinians to pursue actions consistent with the common goal of two independent, viable and democratic States, Israel and Palestine, living side by side in peace and security. The human rights record of the Iraqi Government was a disgrace, including the arbitrary detention and execution of political and religious dissidents, torture, and denial of freedom of expression. Canada urged the Government to abandon those practices. While welcoming Iran's invitation to all thematic special rapporteurs, his country remained concerned at the steady deterioration of the human rights situation in Iran and the treatment meted out to religious minorities, especially the Baha'i. His delegation noted Saudi Arabia's recent implementation of new legislation on the rights of defendants and of new regulations for legal practice.

6. His delegation urged a thorough and impartial investigation of reported human rights violations in connection with the conflict in the Republic of Chechnya, and cessation of pressure on displaced persons to return to their homes in violation of the principle of voluntary return. It denounced the path of isolation chosen by the Presidents of Turkmenistan and Belarus through their imposition of oppressive and authoritarian cults of personality. Deploring the systematic use of torture as a tool by law-enforcement and security forces in Uzbekistan, his delegation also informed the Government that the fight against terrorism did not absolve it from respect for the rights of legitimate opposition movements and the human rights of its citizens.

7. His delegation called on the Government of Colombia to supervise closely the implementation of policies for ensuring full respect for human rights and to intensify efforts to sever the links between the armed forces and the paramilitaries. It welcomed the positive steps taken by Guatemala to strengthen institutional judicial and human rights mechanisms and hoped that more budget resources would be allocated to those areas. Encouraging the Government of Cuba to allow greater space for peaceful dissent, his delegation remained concerned at the use of intimidation, harassment and imprisonment. Lastly, concerned about the situation of access to justice, policing, prison reform and freedom of expression in Haiti, he urged the

Haitian authorities to bring all the perpetrators of human rights violations to justice.

8. **Ms. Loemban Tobing-Klein** (Suriname), speaking on agenda item 109 (b) and on behalf of the Caribbean Community (CARICOM), said that the CARICOM countries had ratified most of the core human rights instruments and fulfilled the ensuing obligations, including their reporting obligations.

9. The Council for Human and Social Development, responsible for ensuring that Member States fulfilled their obligations, had taken a number of decisions at its most recent meeting, held in Guyana in October 2002, including decisions to develop a human and social development strategy in various areas (education, health, labour, crime reduction, sport, gender equality, youth and culture); to pay attention to the outcome of the special session on children; to combat the HIV/AIDS epidemic and the threats to democracy in the region, such as crime and violence, the increased drug traffic, and unemployment, and to ensure that young people and the wider civil society played a greater role in policy decisions; to study the Human Development Report of the Organization of Eastern Caribbean States; to promote various forms of education; and to promote gender mainstreaming in the areas of education, health and labour. The countries of the region also paid special attention to the rights of older persons, indigenous peoples and people with disabilities.

10. The United Nations Decade for Human Rights Education (1995-2004) must serve as the framework for the implementation of the various action plans that had emerged from the Doha, Monterrey, Johannesburg and Madrid conferences, and the fulfilment of the objectives established at the special session on children, as well as the development goals contained in the United Nations Millennium Declaration. The countries of the region, which belonged to varying categories of developing countries, were waiting for the developed world to fulfil its promise to contribute 0.7 per cent of gross domestic product to enable the aforementioned action plans and goals to be implemented. The CARICOM countries needed at least double the amount of official development assistance if they were to respect their peoples' fundamental right to development.

11. Referring to the introduction by the High Commissioner for Human Rights of his report (A/57/36) and the ensuing debate, she stated her disapproval of the general practice, especially in the deliberations of the Third Committee, of attaching greater importance to violations of the civil and political rights than to violations of the economic, social and cultural rights of billions of human beings. What was needed was greater cooperation between the committee that dealt with civil and political rights and the committee that dealt with economic, social and cultural rights, or possibly a merger of the two committees, in order to promote the interdependence and indivisibility of those rights.

12. Her delegation supported the request of the High Commissioner for Human Rights that additional resources should be allocated to his Office for the effective discharge of its mandate. In conclusion, after commending the human rights education programme launched by the People's Movement for Human Rights Education, which already had human rights awareness projects in operation in cities in Argentina, Austria, Bangladesh, India, Mali, the Philippines and Senegal, she expressed the hope that the CARICOM member States and other developing countries would be able to join in that outstanding initiative.

13. **Mr. Yerrannaidu** (India) agreed with the High Commissioner for Human Rights that security went hand in hand with respect for the rule of law, social justice and democracy. He wondered, however, whether establishing a causal relationship between human rights violations, on the one hand, and hatred, resentment and violence, on the other, might not be seen as justifying terrorism, which would be completely unacceptable. Any terrorist act not only constituted a criminal activity but also violated that most fundamental of human rights, namely the right to life, and could never be justified.

14. A democratic nation, India supported the idea of the supremacy of the rule of law but urged caution when it came to its interpretation.

15. Regarding the report of the High Commissioner for Human Rights (A/57/36), his delegation was concerned by some comments relating to the membership of the Commission on Human Rights, and the notion that human rights treaty bodies could interfere in the judicial processes of Member States. While applying the utmost vigilance, those bodies must also exhibit integrity if their credibility was to remain intact. Member States must endeavour to strengthen the

functioning of the treaty bodies so that any problems encountered were addressed in an objective, non-political manner.

16. Where the reports of the special rapporteurs were concerned, a number of delegations had stressed the need for the latter to work within their mandates. In that connection, the rapporteurs must be able to count on the cooperation of States and be entrusted with an unambiguous mandate for the performance of their important task.

17. With regard to the allegations concerning human rights violations and the panoply of related mechanisms, he wished to make three comments: those mechanisms should satisfy themselves that domestic remedies had been exhausted, that they worked strictly within their mandates, and that they did not require States to prepare reports that duplicated others, since the collection of accurate information placed a heavy burden on them.

18. The report of the Special Rapporteur on the right to food (A/57/356) was alarming. Some of the ideas it contained regarding, for instance, access to land and agrarian reform, needed further exploration, but the goal of halving hunger by 2015 appeared to be seriously undermined.

19. India possessed effective, independent judicial institutions, an independent federal Human Rights Commission and similar human rights commissions in several of its states. As an open, transparent democracy and a signatory to all the major international human rights instruments, it enabled its citizens to seek whatever related assistance they needed.

20. **Ms. Rasheed** (Observer for Palestine), stressing the importance her delegation attached to the issue of human rights and commending the international community's progress in promoting recognition of human dignity and of the equal rights of all human beings, said it was necessary to continue to reaffirm individual and collective rights, including the rights of the deprived and poor, and the rights to life, development, freedom and independence, and to make them a reality for all.

21. Since the Palestinian people was denied its most basic rights and fundamental freedoms, her delegation deemed it necessary to address before the Third Committee a matter which was also before the Special Political and Decolonization Committee (Fourth Committee), under agenda item 77.

22. For 35 years the Palestinian people had been subjected to Israel's occupation of its land and the denial of its natural and inalienable rights, in flagrant violation of international legitimacy, international law and international humanitarian law. Moreover, Palestinian refugees, uprooted and forced to live in the diaspora, continued to be deprived of their most basic human and national rights.

23. Her delegation welcomed the report of the High Commissioner for Human Rights (A/57/36) and that of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (A/57/366 and Add.1), whose tireless efforts attested to the international community's determination to address the plight of the Palestinian people.

24. Since 28 September 2000, the war crimes, State terrorism and systematic human rights violations committed by the Israeli occupying forces had been the daily lot of the Palestinian people. In the space of two years, nearly 2,000 Palestinians, including women, children, and elderly people, had been killed and over 35,000 others injured.

25. Throughout the period under consideration, the Israeli occupying forces had waged a large-scale military assault, unprecedented in its scope and intensity, against the Palestinian people. They had reoccupied or raided towns, villages and refugee camps and had collectively punished the entire Palestinian population, using the excessive and indiscriminate force of all their heavy weaponry to attack and in some cases, bombard heavily populated areas, subjecting the Palestinian people to extensive loss not only of life, but also of property. The Israeli occupation forces had also continued the practice of extrajudicial executions and often wilfully killed innocent bystanders and civilians, many of them children.

26. The military siege and the curfews had further exacerbated the socio-economic situation. During the period in question, over 700,000 Palestinians had been unable to go to work or attend school, buy food or receive medical care or even humanitarian aid intended for them, and the Israeli occupying forces had constantly subjected the Palestinian people to humiliation and harassment at roadblocks and checkpoints.

27. The basic rights of Palestinians detained in Israeli prisons continued to be violated, including through administrative detention, mistreatment and torture. To arrest 7,000 Palestinians, humiliate them and subject them to inhuman treatment was to deliberately punish the entire Palestinian population, including children. Moreover, as the Special Rapporteur had stated in his report (A/57/366 and Add.1), the occupying forces had also resorted to the reprehensible practice of using human shields while carrying out military operations in Palestinian cities, villages and refugee camps.

28. Stressing that Israel's 35-year settlement campaign throughout the occupied Palestinian territory, including East Jerusalem, was a flagrant violation of international law and international humanitarian law, her delegation referred to the illegal establishment of over 400,000 Israeli settlers, the confiscation of land and property, and the exploitation and theft of natural resources, thus undermining Palestine's territorial integrity and establishing a form of colonization. The violence of illegal armed settlers, especially during the previous two years, had caused many deaths and injuries among the Palestinian population and sometimes threatened their means of subsistence.

29. Her delegation emphasized the urgent need to end Israel's violations of the basic rights of the Palestinian people, a need the Special Rapporteur had pointed out after his visit to the occupied territory. Only an end to the occupation and colonization, and the establishment of a Palestinian State with East Jerusalem as its capital would assure the Palestinian people of the rights for which they had yearned for so many years. A comprehensive solution to the current situation called for a just peace, and only such a peace could become the genuine expression of the ultimate right of humankind as a whole: the right to a quality of life founded on security, dignity and freedom.

30. In conclusion, she asked what the international community was waiting for in order to intervene.

31. **U Linn Myaing** (Myanmar) said that his country was committed to the promotion and protection of human rights and the principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights. His Government was striving to bring to the people not only economic and social rights but all other rights as well.

32. In response to delegations that had expressed concerns regarding the national reconciliation and democratization process and the situation of human rights in Myanmar, he said that his country extended full cooperation to the United Nations through the Commission on Human Rights and the thematic working groups and rapporteurs. Myanmar was pleased that the High Commissioner for Human Rights had agreed to visit the country at a mutually convenient time in order to see first-hand the progress achieved and that the Special Envoy of the Secretary-General was currently visiting Myanmar for the ninth time. In 2002, Myanmar had concluded with the International Labour Organization (ILO) an agreement under which the Director-General of ILO had appointed a liaison officer in Myanmar, and a high-level ILO technical-cooperation mission had been invited to visit the country in the near future.

33. As part of its human rights initiative, in April 2000 the Government had established the Human Rights Committee — chaired by the Minister for Home Affairs — which, with the cooperation and assistance of the Australian Government, had been holding a series of workshops and seminars to familiarize public officials and a wider range of the population with human rights standards. It had held a mine-awareness workshop in February 2002 and a human rights workshop for law enforcement personnel the following month.

34. Having experienced instability and armed insurrection of all kinds for 40 years under various political systems, and for 25 years a centrally planned economy that had ultimately failed, the Government of Myanmar reaffirmed its commitment to build a multiparty democratic State on firm foundations. The transition process was well under way.

35. For the first time in half a century, the conflicts that had plagued Myanmar since independence had ceased and were now confined to a few border areas. Ceasefire agreements had been signed with 17 armed ethnic groups and it was crucial for the national reconciliation process that peace with the armed insurgent groups should be achieved. The union spirit of Myanmar having at last been rekindled, the Government could embark on the next stage. All restrictions on Daw Aung San Suu Kyi had been lifted on 6 May 2002, and the leader and members of the National League for Democracy (NLD) were free to talk to the media, civil society organizations, diplomats and United Nations representatives. In addition, over 700 prisoners and detainees had been released, and the

Government would continue to free those who were considered to pose no threat to the community or to the peace and stability of the nation.

36. In conclusion, his delegation reaffirmed the Government's determination to build a multiparty democratic State and stressed that the process embarked upon was evolving in a manner consistent with the best interests of the people of Myanmar. The international community could contribute to that process by lending its encouragement and support.

37. **Mr. Francis** (Jamaica), noting the significance of the recommendations contained in the Secretary-General's report on the strengthening of the United Nations (A/57/387), said that it was essential to support the human rights treaty bodies and mechanisms, but that urgent coordination and standardization measures needed to be taken in order to simplify them. His delegation looked forward to the input of the Office of the High Commissioner in that regard. It also believed that the quality of reports and analyses in the area of special procedures should be improved, including the system of special rapporteurs and representatives of the Commission on Human Rights, who must display impeccable impartiality and professionalism in the fulfilment of their mandates.

38. Stressing the importance of the right to development, he observed that economic, social and cultural rights must be promoted alongside civil and political rights. Regarding the High Commissioner's reference in his report (A/57/36, para. 92) to the integration of human rights within the United Nations system at the institutional or organizational level and the programmatic or operational level, he cautioned that any rights-based approach to development assistance would affect the delivery of such assistance. The conduct of the development process was the preserve of States, even though it was evident that the human rights dimension must be duly taken into account and it was essential to respect the principle of equality in both decision-making and resource allocation in order to reduce poverty and empower local populations.

39. His country fully supported the fight against terrorism, but felt that States must uphold human rights and fundamental freedoms and refrain from acting in breach of peremptory norms of international law. The United Nations High Commissioner for Human Rights must oversee the fight against terrorism by providing advice to Governments.

40. In order to preserve its integrity and credibility, the international system for the promotion of human rights must be based on the principles of impartiality and non-selectivity. The human rights issue should not be used as a tool for selfish interests and objectives, since the standards set in that area applied to all regions and countries, with respect for cultural, ideological and religious diversity and in a spirit of tolerance and dialogue among civilizations, in accordance with the Universal Declaration of Human Rights.

41. Lastly, he stressed that, despite the progress achieved since the World Conference on Human Rights, much remained to be done in order to move closer to the ideals of equality and justice enshrined in the Charter of the United Nations.

42. **Mr. Paclisanu** (International Committee of the Red Cross (ICRC)), speaking on agenda item 109 (b) and referring to the grave problem of missing persons, said that, for many people, uncertainty about the fate of their loved ones and their ensuing anxiety did not end when the fighting did. Feelings of injustice and resentment persisted and were passed on to future generations, thus undermining relations among groups and nations, sometimes for decades on end.

43. Governments, backed, where required, by humanitarian and human rights organizations, must act to prevent persons from going missing or deal with the consequences when they did. Although ICRC had spared no effort over the years to find a solution to the problem, it had been unable to fulfil its mandate, chiefly because of the lack of political will. It had therefore resolved to launch a process of reflection in two stages with the parties concerned. The initial stage, which should result in the publication of a report in January 2002, had consisted in gathering and analysing information on number of topics such as restoration of family links, support for families of missing persons, and collection of data on missing persons. The second stage would consist in organizing an international conference bringing together, in Geneva from 19 to 21 February 2003, Governments, non-governmental and intergovernmental organizations, national Red Cross and Red Crescent societies, research institutions and experts. ICRC hoped that the conference would receive all the attention it deserved.

44. **Ms. Chenoweth** (Food and Agriculture Organization of the United Nations (FAO)), speaking on agenda item 109 (b), reported on the latest developments concerning the right to adequate food. As pointed out in the report of the Special Rapporteur on the right to food (A/57/356), the World Food Summit: five years later, held in Rome in June 2002, had reaffirmed "the right of everyone to have access to safe and nutritious food". Moreover, FAO had been invited to establish an intergovernmental working group to elaborate, within two years, a set of voluntary guidelines to support Member States' efforts to achieve the progressive realization of the right to adequate food. That had been done, since FAO, at its twenty-third session, had formally established the Intergovernmental Working Group, which reported to the Committee on World Food Security (CFS). Its membership was open to members of FAO and States Members of the United Nations, while all stakeholders, including international organizations and bodies of the United Nations system, non-governmental and civil-society organizations, academics and the private sector, could participate as observers. The Working Group's secretariat would be provided by the FAO secretariat, drawing on expertise from other organs, including the Office of the High Commissioner for Human Rights and the Rome-based food agencies. FAO had already mobilized extrabudgetary funding and hoped to obtain other sources of financing for documentation, research and the effective participation of developing countries. She looked forward to the Special Rapporteur's active participation in the Group's meetings and said that FAO had noted his suggestions on the content of the guidelines and intended to request States and other stakeholders to submit their views in preparation for the first session of the Group, which would be convened early in 2003. Lastly, she said that the right to food formed part of the FAO strategy, at the field and global levels, to halve hunger in the world by 2015.

The meeting rose at 11.30 a.m.